

ARKANSAS SUPREME COURT

No. CR 06-1187

JAMES AL WHITE
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered April 26, 2007

PRO SE MOTION FOR TRANSCRIPT
AT PUBLIC EXPENSE [CIRCUIT
COURT OF PULASKI COUNTY, CR
2004-4080, HON. JOHN LANGSTON,
JUDGE]

MOTION DENIED.

PER CURIAM

In 2006, James Al White, appellant herein, was convicted by a jury of exposing another person to HIV, rape and sexual assault in the fourth degree. He received consecutive sentences of thirty years, life, and six years.

The appeal from the judgment has been lodged in this court. Counsel for appellant has filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and appellant has filed pro se points for reversal.

Now before us is appellant's pro se motion for a copy of the transcript at public expense. Therein, appellant maintains that pursuant to the Arkansas Freedom of Information Act, Ark. Code. Ann. §§ 25-19-101–109 (Repl. 2002), he is entitled to copies of the “motion of discovery transcript and pr[o]ceedings of the 378-page transcript.” Appellant states no reason for obtaining personal copies of these portions of the record on appeal.

In the instant matter, the record was prepared at public expense due to appellant's declaration as an indigent, and was furnished to his appointed counsel for purposes of appeal. An indigent

appellant is not entitled to his own personal copy of the record, or portions of the record, at public expense under the Freedom of Information Act or other rule or statute. *See Moore v. State*, 324 Ark. 453, 921 S.W.2d 914 (1996) (per curiam).

It should be noted that when an appeal has been lodged in the appellate court, the appeal transcript and other filed documents remain permanently on file with the clerk of the supreme court. *Stone v. State*, 298 Ark. 316, 767 S.W.2d 299 (1989). Persons who are not attorneys may review a transcript in the clerk's office and photocopy all or portions of it. *Id.* An incarcerated person desiring a photocopy of pages from a transcript or other documents on file with the clerk may write this court, remit the photocopy fee, and request that the copy be mailed to the prison. *Id.* All persons, including prisoners, must bear the cost of photocopying. *Id.*

Motion denied.